

PATENT
UTSD:602

#3

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **LPS-RESPONSE GENE COMPOSITIONS AND METHODS**, the Specification of which:

is attached hereto.
 was filed on **September 15, 1999** as Application Serial No. **09/396,985**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, United States provisional application(s), or inventor's certificate listed below and have also identified below any foreign application for patent, United States provisional application, or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIORITY APPLICATION(S)			Priority Claimed
60/100,403 (Number)	USA (Country)	September 15, 1998 (Date Filed)	Yes
60/102,392 (Number)	USA (Country)	September 29, 1998 (Date Filed)	Yes/No
			Yes
			Yes/No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

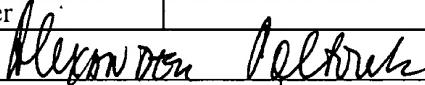
(Application Serial No.) (Filing Date) (Status)

(Application Serial No.) (Filing Date) (Status)

I hereby direct that all correspondence and telephone calls be addressed to Mark B. Wilson, Arnold White & Durkee, 750 Bering Drive, Houston, Texas 77057-2198, (512) 418-3000.

I HEREBY DECLARE THAT ALL STATEMENTS MADE OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

Inventor's Full Name:	Bruce	A.	Beutler
Inventor's Signature:			
Country of Citizenship:	USA	Date: 11-5-99	
Residence Address: (street, number, city, state, and/or country)	6181 Preston Hollow Dallas, Texas 75230		
Post Office Address: (if different from above)			

Inventor's Full Name:	Alexander	Poltorak
Inventor's Signature:		
Country of Citizenship:	Russian	Date: 11-5-99
Residence Address: (street, number, city, state, and/or country)	10641 Steppington, Apt. 401 Dallas, Texas 75230	
Post Office Address: (if different from above)		



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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Bruce A. Beutler and Alexander Poltorak

Serial No.: 09/396,985

Group Art Unit: 1643

Filed: 9/15/99

Examiner: Unknown

For: LPS-RESPONSE GENE COMPOSITIONS
AND METHODS

Atty. Dkt. No.: UTSD:602/WIM

DECLARATION CLAIMING SMALL ENTITY STATUS
37 C.F.R. §§ 1.9(f) AND 1.27(d) - NONPROFIT ORGANIZATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: Board of Regents, The University of Texas System

Address of Organization: 201 West 7th Street
Austin, TX 78701

The type of organization is a university.

I hereby declare that the organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e) (1), and thus is a "small entity" as defined in § 1.9(f), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, with regard to the above-referenced application.

I hereby declare that exclusive rights to the invention have been conveyed to and remain with the organization, with respect to the above-referenced invention, nor have I assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR. § 1.9(d) or a

nonprofit organization under 37 CFR § 1.9(e), with the exception that the Government may have rights in the invention pursuant to a funding agreement under 35 U.S.C. § 202(c)(4): None.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Board of Regents,
The University of Texas System

By: 
Name: Ray Farabee
Title: Vice Chancellor and
General Counsel

Date: November 12, 1999



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Bruce A. Beutler and Alexander Poltorak

Serial No.: 09/396,985

Filed: 9/15/99

For: LPS-RESPONSE GENE COMPOSITIONS
AND METHODS

Group Art Unit: 1643

Examiner: Unknown

Atty. Dkt. No.: UTSD:602/WIM

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73
AND POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints:

Louis T. Pirkey, Reg. No. 22,393; Floyd R. Nation, Reg. No. 27,580; William D. Raman, Reg. No. 29,578; Richard J. Groos, Reg. No. 32,231; David L. Parker, Reg. No. 32,165; William G. Barber, Reg. No. 33,154; David D. Bahler, Reg. No. 30,932; Michael S. Metteauer, Reg. No. 34,875; Amber L. Hatfield, Reg. No. 36,824; Mark B. Wilson, Reg. No. 37,259; Steven L. Highlander, Reg. No. 37,642; Mark A. Thurmon, Reg. No. 39,858; G. Scott Thomas, Reg. No. 39,855; Teresa J. Bowles, Reg. No. 40,526; Stephen P. Meleen, Reg. No. 40,724; Richard A. Nakashima, Reg. No. 42,023; Robert Hanson, Reg. No. 42,628; Mark J. Rozman, Reg. No. 42,117; Nicole Stafford, Reg. No. 43,929; Reg. No. 42,913; Michael C. Barrett, Reg. No. 44,523; Chad Anson, Reg. No. 44,510; Mark T. Garrett, Reg. No. 44,699; Jonathan Hurt, Reg. No. 44,790; Gina N. Shishima, Reg. No. 45,104; Charles D. Huston, Reg. No. 31,027; and J. Paul Williamson, Reg. No. 29,600

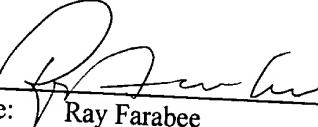
each an attorney or agent of the firm of ARNOLD WHITE & DURKEE, as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to Board of Regents, The University of Texas System, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Mark B. Wilson, Esq.
ARNOLD WHITE & DURKEE
750 Bering Drive
Houston, Texas 77057-2198
(512) 418-3000

ASSIGNEE:
BOARD OF REGENTS, THE UNIVERSITY
OF TEXAS SYSTEM

By: 
Name: Ray Farabee
Title: Vice Chancellor and
General Counsel

Date: November 12, 1999

ASSIGNMENT:

Concurrently filed
 Previously recorded

Date: -----
Reel: -----
Frames: -----